

**CORRESPONDENCE BETWEEN
U.S. COAST GUARD ACTIVITIES NEW YORK
AND
NEW YORK WATERWAY
REGARDING
WAIVER OF PASSENGER SAFETY BRIEFINGS
AND EXCERPT FROM PERTINENT SECTIONS OF
46 CFR PARTS 166 TO 199**

7 PAGES (INCLUDING COVER)

U.S. Department
of Transportation

United States
Coast Guard



Investigation and Analysis Branch
Commander, USCG Activities New
York
Prevention & Compliance Division

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16732/MV00000285
01/26/2000

New York Waterway
Pershing Road
Weehawken, NJ 07087

Based on the results of a recent ship visit, you have been found to be in violation of U.S. law and/or regulation in your operations. The specific violation that has been brought to our attention is:

46 CFR 185.506-(a)-Before getting underway on a voyage or as soon as practicable thereafter, the master of a vessel shall ensure that a suitable passenger safety orientation is provided. (See above site for specific requirements). Max penalty is \$5,000 per occurrence.

USCG Marine Investigators discovered that these passenger safety orientations were not provided to passengers on the morning of January 7th, 2000, while on board the P/V ROBERT FULTON and P/V ALEXANDER HAMILTON. These announcements are required for all voyages that last more than 15 minutes. They are also required for runs of less than 15 minutes unless the Officer in Charge of Marine Inspection (OCMI) determines that the announcements are not practicable and a suitable substitute is available. Absent this determination, you are required to ensure that your employees provide the required announcements/orientations.

If you feel that the announcements are not practicable, I advise you to contact the Inspections Department and request that a determination be made. The Coast Guard will maintain a record of this letter and a civil penalty will be assessed in the event that future violations occur. If you feel this warning is not warranted, you may refuse to accept it. However, your refusal may result in a request for civil penalties in accordance with 46 U.S.C. 2302 and 46 CFR 185.506, in which case this warning will be withdrawn. If you have any questions, please contact LTJG Daniel Fitzgerald at the above number.

Sincerely,

A handwritten signature in black ink, appearing to read "D.R. Croce".

D. R. CROCE

Senior Investigating Officer

By direction of the

Officer In Charge, Marine Inspection



NY WATERWAY

February 4, 2000

LTJG Daniel Fitzgerald
Inspection Department
United States Coast Guard
212 Coast Guard Drive
Staten Island, NY 10305

RE: New York Waterway ("Waterway") Orientation Announcements

Dear Lieutenant Fitzgerald:

This letter is in response to your warning letter dated January 26, 2000 advising Waterway of the requirement to provide passenger safety orientation announcements during all of its ferry trips. Waterway has, in fact, provided suitable passenger orientation announcements on voyages lasting longer than fifteen (15) minutes and will continue to do so in compliance with the regulations. However, on occasion, Waterway has not provided these announcements on its trans-Hudson ferry trips because it has been our experience that the announcements were not practical under the circumstances.

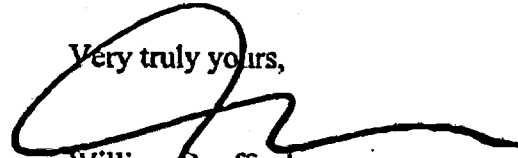
Our experience in this regard reveals that the announcements are not practical for the following reasons:

1. The short duration of trans-Hudson commuter trips (approximately six (6) minutes) make it impractical to provide the orientation announcement.
2. The announcements sometime cause passenger confusion and anxiety prompting unnecessary inquiries to the crew during operations.
3. These announcements are not routinely required for other short trip ferries operating in New York Harbor including the Staten Island Ferry or other private ferry carriers. Passengers using other carriers may become alarmed or apprehensive if Waterway is required to provide an orientation announcement which in the passenger's experience is not given on other carriers.

We understand that in accordance with current Coast Guard's regulation the Officer In Charge of Marine Inspections (OMCI) has wide discretion to relax these requirements if they are found to be impracticable or not in the interest of passenger safety.

We therefore would request that the Inspection Department make a determination whether the announcements are practical for ferry trips lasting under fifteen (15) minutes in light of the above circumstances.

Very truly yours,



William Bouffard
Vice President and General Manager

cc: Arthur E. Imperatore, Sr.
Arthur E. Imperatore, Jr.
Edward Imperatore
Claude McKernan
Russell Bostock

U.S. Department
of Transportation

United States
Coast Guard



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16710
02/22/00

New York Waterways
Attn: Mr. William W. Bouffard
Pershing Road
Weehawken, NJ 07087

**SUBJ: NEW YORK WATERWAYS ORIENTATION ANNOUNCEMENTS AND
DECKHAND STAFFING**

I am writing in response to your letters dated February 4th and 11th, 2000, concerning the requirements for Safety Orientation Announcements during your ferry trips, and the issue of deckhand staffing. With regard to the announcements, I agree these announcements **MUST** be made on voyages 15 minutes or more in duration and that these announcements are impractical on voyages of less than 15 minutes in duration.

Therefore, I will allow you to operate without making the Safety Orientation Announcements on voyages of 15 minutes or less in duration, provided you meet the placarding requirements in 46 CFR 122.506(c) and 46 CFR 185.506(c). Please make arrangements for one of my marine inspectors to verify the installation of the required placards prior to dispensing with the orientation announcements.

As for the deckhand staffing issue, it is not this office's contention that a man overboard drill cannot be conducted with only one deckhand, but rather, during past man overboard drills the crews were not able to demonstrate that ability to an attending marine inspector on a vessel specific basis. If demonstrated, the required number of deckhands can be adjusted accordingly.

If you have any question or concerns regarding either of these matters, please contact my assistant, LCDR Keith Ward, at (718) 354-4242.

Sincerely,

A handwritten signature in black ink, appearing to read "M. D. Bobal".

M. D. Bobal
Commander, U. S. Coast Guard
Chief, Inspection Branch

Copy: (1) NYCFI file

code of federal regulations

Shipping

BTF

46

PARTS 166 TO 199

Revised as of October 1, 1999



46 CFR Ch. I (10-1-99 Edition)

by instruction placard required by .510 of this part and, when applicable, the duties listed in the station bill filed by §185.514 of this part.

) Training conducted on a sister vessel may be considered equivalent to initial and quarterly training requirements contained in paragraph (a) of this section.

) Crew training shall be logged or otherwise documented for review by Coast Guard upon request. The training entry shall include the following information.

) Date of the training; and
) General description of the training topics.

55-080, 61 FR 1006, Jan. 10, 1996, as amended at 62 FR 51359, Sept. 30, 1997

Subpart E—Preparations for Emergencies

§185.502 Crew and passenger list.

) The owner, charterer, managing operator, or master of the following vessels must keep a correct list of the names of all persons that embark on and disembark from the vessel:

) A vessel making a coastwise or ocean voyage where:

) Passengers embark or disembark on the vessel to another vessel or to other than at the port of origin; or

) Passengers are carried overnight;

) A vessel making a voyage of more than 300 miles on the Great Lakes, except from a Canadian to a United States port; and

) A vessel arriving from a foreign port, except at a United States Great Lakes port from a Canadian Great Lakes port.

) The master of a vessel required to prepare a crew and passenger list by paragraph (a) of this section shall see that the list is prepared prior to departing on a voyage. The list must be communicated verbally or in writing on board at the vessel's normal berthing location or with a representative of the owner or managing operator of the vessel.

The crew and passenger list shall be available to the Coast Guard upon request.

Coast Guard, DOT

§185.503 Voyage plan.

(a) The master of the following vessels shall prepare a voyage plan:

(1) A vessel making an ocean or coastwise voyage;

(2) A vessel making a voyage of more than 300 miles on the Great Lakes, except from a Canadian to a United States port;

(3) A vessel, with overnight accommodations for passengers, making an overnight voyage; and

(4) A vessel arriving from a foreign port, except at a United States Great Lakes port from a Canadian Great Lakes port.

(b) The voyage plan required by paragraph (a) of this section must be prepared prior to departing on a voyage and communicated verbally or in writing, ashore at the vessel's normal berthing location or with a representative of the owner or managing operator of the vessel. The voyage plan shall be available to the Coast Guard upon request.

§185.504 Passenger count.

The master of a vessel, except a vessel listed in §185.502(a) of this part, shall keep a correct, written count of all passengers that embark on and disembark from the vessel. Prior to departing on a voyage, the passenger count must be communicated verbally or in writing, and available ashore at the vessel's normal berthing location or with a representative of the owner or managing operator of the vessel. The passenger count shall be available to the Coast Guard upon request.

§185.506 Passenger safety orientation.

(a) Except as allowed by paragraphs (b) and (c) of this section, before getting underway on a voyage or as soon as practicable thereafter, the master of a vessel shall ensure that suitable public announcements are made informing all passengers of the following:

(1) The location of emergency exits, survival craft embarkation areas, and ring life buoys;

(2) The stowage location(s) of life jackets;

(3) Either:

(i) The proper method of donning and adjusting life jackets of the type(s) carried on the vessel including a dem-

onstration of the proper donning of a lifejacket; or

(ii) That passengers may contact a crew member for a demonstration as appropriate, prior to beginning an ocean or coastwise voyage;

(4) The location of the instruction placards for life jackets and other life-saving devices;

(5) That all passengers will be required to don life jackets when possible hazardous conditions exist, as directed by the master; and

(6) If the vessel is operating with reduced manning or equipment requirements in §176.114 of this chapter.

(b) As an alternative to an announcement that complies with paragraph (a) of this section, the master or other designated person may—

(1) Prior to getting underway, deliver to each passenger or, on a vessel that does not carry vehicles and that has seats for each passenger, place near each seat, a card or pamphlet that has the information listed in paragraphs (a)(1) through (a)(6) of this section; and

(2) Make an abbreviated announcement consisting of:

(i) A statement that passengers should follow the instructions of the crew in an emergency;

(ii) The location of life jackets; and

(iii) That further information concerning emergency procedures including the donning of life jackets, location of other emergency equipment, and emergency evacuation procedures are located on the card or pamphlet that was given to each passenger or is located near each seat.

(c) Ferries operating on short runs of less than 15 minutes may substitute bulkhead placards or signs for the announcement required in paragraphs (a) and (b) of this section if the OCMI determines that the announcements are not practical due to the vessel's unique operation.

(d) The master of a vessel shall ensure that a passenger, who boards the vessel on a voyage after the initial public announcement has been made as required by paragraphs (a) or (b) of this section, is also informed of the required safety information.

(e) On a vessel on a voyage of more than 24 hours duration, passengers shall be requested to don life jackets